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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

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In re:

No. C07-3996 SI

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(Formerly: U.S. Bk. Ct. N.D. Cal. Involuntary
Chapter 7 Case No. 07-40126T)

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EDWARD EHEE'S MOTION FOR
AMENDED ORDER AUTHORIZING SALE
OF PROPERTY FREE AND CLEAR OF
YANG LIEN

2

[No Hearing Scheduled]

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(Local Bankruptcy Rule 9014-1(b)(3))

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LIEN HOLDER WHOSE RIGHTS ARE AFFECTED: JOON M. YANG

—

EDWARD SEWON EHEE ("Ehee") moves as follows:

21

RELIEF REQUESTED

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23 certain real property commonly know as 6122 Acacia Ave., Oakland, California. The proposed
24 sale shall be made substantially in accordance with the sale already authorized by the Court
25 pursuant to its order dated and filed December 3, 2007 made in response to "EDWARD EHEE'S
26 MOTION FOR ORDER AUTHORIZING SALE OF PROPERTY FREE AND CLEAR OF
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1 YANG LIEN" originally filed on November 6, 2007 under Case No. C 06-06966 SI (refiled
 2 under this Case No. December 3, 2007) provided however that the proposed sale shall be subject
 3 to an addendum dated December 7, 2007 to the original purchase contract. The December 7,
 4 2007 addendum provides, in substance, that the buyers are to be credited at closing for \$30,000
 5 towards certain requested repairs, that pending closing of the sale the buyers agreed to increase
 6 their earnest money deposit to \$50,000, and that the buyers have removed all other contingencies
 7 to the contract. A copy of the December 7, 2007 addendum is attached to the accompanying
 8 declaration of Edward Ehee dated December 11, 2007 filed in support of this motion.

10 **BASIS FOR RELIEF REQUESTED**

11 As detailed in his December 11 declaration, Ehee believes the proposed purchase contract,
 12 as amended, is in the best interests of all parties given current market conditions. The proposed
 13 buyers have refused to proceed with the sale under the original terms on the grounds that their
 14 physical inspections of the property revealed the need for more than \$40,000 in estimated repairs.
 15 The buyers have requested credit for those repairs. The \$30,000 credit contemplated by the
 16 December 7, 2007 addendum represents what Ehee believes to be a reasonable compromise of
 17 that request.

19 **WHEREFORE**, the Ehee requests that the Court enter an order authorizing the relief
 20 requested in this Motion as set forth in the proposed order attached hereto as Exhibit A. Debtor
 21 believes that Exhibit A substantially restates the relief granted by the Court in its December 3,
 22 2007 order except insofar as it approves the terms of the December 7 addendum.

24 Respectfully submitted,

26 /s/ James D. Wood

27 _____
 28 James D. Wood
 Attorney for Debtor EDWARD S. EHEE

DATED: December 14, 2007

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EXHIBIT A

EHEE'S MOT. FOR AMENDED ORDER AUTH. SALE
FREE OF LIEN, No. C07-3996 SI

-3-

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

11

In re:

No. C07-3996 SI I

12

13 EDWARD SEWON LEE

(Formerly: U.S. Bk. Ct. N.D. Cal. Involuntary
Chapter 7 Case No. 07-40126T)

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**ORDER BY DEFAULT GRANTING
EDWARD EHEE'S MOTION FOR
AMENDED ORDER AUTHORIZING SALE
OF PROPERTY FREE AND CLEAR OF
YANG LIEN**

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[No Hearing Scheduled]

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(Local Bankruptcy Rule 9014-1(b)(3))

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21 GRANTING EDWARD EHEE'S MOTION FOR AMENDED ORDER AUTHORIZING SALE
22 OF PROPERTY FREE AND CLEAR OF YANG LIEN dated _____ (the "Default
23 Request"), EHEE'S MOTION FOR AMENDED ORDER AUTHORIZING SALE OF
24 PROPERTY FREE AND CLEAR OF YANG LIEN dated December 14, 2007 (the "Motion"),
25 related declarations, memoranda, and other supporting documents in chambers pursuant to
26 Bankruptcy Local Rule ("B.L.R.") 9014-1(b)(3) and (4). The Court assumed jurisdiction over the
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EXHIBIT A

**AMENDED ORDER AUTH. SALE OF PROP. FREE AND
CLEAR OF YANG LIEN, No. C07-3996 SI I**

1 involuntary bankruptcy case now pending against Debtor Edward Sewon Ehee captioned above
2 by Order dated June 22, 2007 (entered June 27, 2007).

3 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED, ADJUDGED, AND
4 DECREED THAT:

5 1. The time period under B.L.R. 9014-1(b)(3) for filing any opposition and a request
6 for hearing on the Motion having expired with no party having filed such opposition or request,
7 the Default Request and Motion are granted as follows.

8 2. The Order of this Court dated and filed December 3, 2007 in the above captioned
9 action is amended and restated as follows.

10 3. Ehee is authorized to sell that certain real property commonly known as 6122
11 Acacia Ave., Oakland, California under 11 U.S.C. Sect. 363. The sale shall be made substantially
12 in accordance with the "Residential Purchase Agreement and Joint Escrow Instructions" attached
13 to the declaration of Edward Ehee dated November 5, 2007 and filed under Action
14 No. C 06-06966 SI, on November 6, 2007 subject to the Addendum thereto dated December 7,
15 2007 attached to the declaration of Edward Ehee dated December 11, 2007 filed in this case on
16 December 14, 2007 with such extensions of closing deadlines as the parties may execute. The
17 sale shall also be subject to the following:

- 18 a. The purchase price shall be \$1,200,000;
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20 b. Closing shall occur within 14 days of the entry of this Order unless both
21 parties agree to an extension of such deadline;
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23 c. Normal and regular closing costs; except as noted below, all liens and
24 encumbrances of record; and real estate commissions shall be paid from
25 escrow;

- 1 d. Proceeds of the sale net of such costs, commissions, and liens shall paid
2 into the registry of this Court;
- 3 e. Ehee shall comply with paragraph IV of the Preliminary Injunction issued
4 by this Court (in Action No. C 06-06966 SI) on November 22, 2006;
- 5 f. Ehee is authorized to modify the terms of the sale or sell to a different
6 buyer so long as the terms of such sale are not less favorable to the seller
7 than those set-forth above and Ehee otherwise complies with paragraph IV
8 of the Preliminary Injunction with respect to any such proposed
9 modification or alternative buyer; and
- 10 g. The sale shall be free and clear of the lien created and evidenced by that
11 certain note and deed of trust dated October 27, 2007 in the face amount of
12 \$200,000 in favor of Joong M. Yang (Recorded October 30, 2006 in the
13 Alameda County Official Records under Recorder's Serial Number
14 2006404634) encumbering the property (the "Yang Lien") pursuant to 11
15 U.S.C. Sect. 363(f)(3), or (f)(4). The Yang Lien shall attach to the
16 proceeds of sale to be held in trust in the registry of this Court with the
17 same force, effect, validity, and priority as such lien had with respect to the
18 property sold pursuant to this Order pending further determinations of the
19 Court regarding the effect, validity, amount, and priority of such lien.
- 20 h. Buyers shall be credited \$30,000 from escrow as an adjustment for
21 estimated repairs as set forth in the December 7, 2007 Addendum
22 identified above.
- 23 4. The Court waives the 10 day stay of this Order to the extent such stay is
24 otherwise applicable under Fed.R.Bankr.P. 6004(g).
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1 5. The Court reserves jurisdiction over all issues relating to the interpretation,
2 implementation and enforcement of this Order and disposition of the funds held in the Court's
3 registry pursuant thereto.

4 DATED: _____
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6 Proposed Form 12/14/07
7 Susan Illston, United States District Judge
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